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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,642	11/19/2003	James R. Oliff	D-3082	6447

7590 01/19/2007
MeadWestvaco Corporation
Law Department
4850D North Church Lane
Smyrna, GA 30080

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/716,642

Applicant(s)

OLIFF ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 1-3, 5-6, 8, 9, 10, 12, 15, and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Spivey (6484903) in view of Sutherland (5297725), and further in view of Evers (5137148). Spivey teaches container with a carton end and side end flaps, a displaceable portion detachably connected to the side end flap along a first weakened line. Spivey meets all claimed limitations except for the flap with a second portion at the distal end of the bottom end flap. Sutherland teaches that it is known in the art to provide a flap 82 at the end of the bottom flap to provide a coupon in Fig. 8. Note that the coupon in Sutherland is capable of being pivotally detachable as claimed. It would have been obvious to one of ordinary skill in the art to provide a coupon on the bottom flap as taught by Sutherland to enable one to promote the product.

Evers provides further evidence for one of ordinary skill in the art to provide a visible coupon such that one can immediately see the coupon after opening the container. Evers teaches that it is known in the art to provide a coupon that can be pivotally detachable. It would have been obvious for one of ordinary skill in the art to provide the coupon having a pivotable weakened line to enable one to tear out the coupon easily.

2. Claims 4 and 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Spivey rejection as set forth above, and further in view of Schein (6648217). It would have been obvious for one of ordinary skill in the art to provide a game piece in the printed panel to provide the desired method for promoting the product.

3. Claims 1-3, 5-10, 12, and 14-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Focke (4222485) in view of Sutherland '725, and further in view of Evers '148. Focke teaches a container with a carton end and side end flaps, a displaceable portion

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detachably connected to the side end flap along a first weakened line (28,29). Focke meets all claimed limitations except for the flap with a second portion at the distal end of the bottom end flap. Sutherland teaches that it is known in the art to provide a flap 82 at the end of the bottom flap to provide a coupon in Fig. 8. Note that the coupon in Sutherland is capable of being pivotally detachable as claimed. It would have been obvious to one of ordinary skill in the art to provide a coupon on the bottom flap as taught by Sutherland to enable one to promote the product.

Evers provides further evidence for one of ordinary skill in the art to provide a visible coupon such that one can immediately see the coupon after opening the container. Evers teaches that it is known in the art to provide a coupon that can be pivotally detachable. It would have been obvious for one of ordinary skill in the art to provide the coupon having a pivotable weakened line to enable one to tear out the coupon easily.

Regarding claim 14, note that in the container of Focke, note that first and second bottom panels 13 and 14, and the bottom end flap is formed from a pair of major flaps 19. In other words, the two panels 19 together constitute the bottom end flap as claimed.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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